

THEMATIC TITLE: PROBLEMS ON IMMUNITY OF PROSECUTION
IN THE DISCIPLINARY PROCEEDING AGAINST
TEACHER AND EDUCATIONAL PERSONAL

KEYWORDS: WITNESS/TAKING A SUSPECT AS A WITNESS
/WITNESS PROTECTION/DISCIPLINE,DISCIPLINARY
OFFENCE/THE LAW ON GOVERNMENT
TEACHERS AND EDUCATION PERSONNEL.

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YEAR: 2020

ABSTRACT

The objectives of this thematic paper were to study the background and the importance of the problems, guidelines, theories, legal measures, problems on the immunity from prosecution of the government teacher and educational personal who are involved in the disciplinary offence, government teacher's and educational personal's right that obtained the immunity from prosecution, the consideration of the punishment against the government teachers and educational personal who obtained the immunity from prosecution and the officer's discretion to give the immunity from prosecution to the government teacher and the educational personal to be the witness according to section 98 regarding the Government teacher and Educational personal Act B.E. 2547.

The results found that the section 98 regarding the Government teacher and educational personal did not provide any regulations related to the witness whom involving with the disciplinary offence having known direct information, scaring for the lives and physical unsafely for giving all beneficial information to the government for furthermore disciplines proceeding. As for having known the cause of disciplines offence, even though the mentioned act had used the Rule of Government teacher and Educational personal committee on the Investigation B.E. 2550

still having found the problems on considering by such rules did not protect the person involving the complaint, either the complainants, the witness who provided the information that were beneficial to the administration and government officer who has the authority in discretion of the immunity from prosecution beyond the authority of the superior because of having inaccuracy provision, may give the benefit among his/her companions.

The author suggested that in order to conform other government offices this Government teachers and Educational personal Act B.E. 2547 should be amended with the same standard rules of taking away the co-offender to be the witness by amending the mentioned act section 98 related to give the immunity from prosecution to the witness of government teacher and educational personal who give all benefit information that was utmost results to the government offices which related to the disciplinary offences to be the witness for the disciplinary procedure and the authority should be given the administration officers to proceed regarding the administrative action law and amend the Rule of the Government teacher and Educational personal Committee on investigation B.E. 2550 by amending the rules with related to the immunity from prosecution of the government teacher and educational personal who had given the benefit information and utmost result to the government offices which related to the disciplinary officers to be the witness and also amend the Rule of Government teacher and Educational personal Committee on investigation B.E.2550 related to proceed the immunity from prosecution of government teacher and educational personal to support the provision of laws which be amended to the mentioned witness to obtain the truth, fairness and also utmost beneficial to the disciplinary regulations.